

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee. Authorization for this examiner's amendment was given in a telephone interview with Ernest Lipscomb on 4/18/05.

The application has been amended as follows:

The title at the top of page 1 has been changed to :

--Method for Using Human Intervertebral Disc Cells---

Claim 39 is amended to: -- A method of implanting human intervertebral disc cells into a patient with damaged or diseased intervertebral disc tissue comprising the steps of:

obtaining live human intervertebral disc cells;

culturing said live human intervertebral disc cells under conditions to propagate cultured human intervertebral disc cells; and

implanting said cultured live human intervertebral disc cells into a target disc area needing treatment in a human patient.---

Claim 49 has been cancelled.

Claim 50 is amended to: -- The method according to Claim [49] 47, wherein said carrier material is selected from the group consisting of alginate, agarose, collagen, and mixtures thereof.---

2. The following is an examiner's statement of reasons for allowance: No two-way obviousness exists between that claimed in U.S. Patent 6,340,369 B1 and the instant application.